

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:05CR3011
	)	
Plaintiff,	)	
	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
ROBERT POPEJOY,	)	
	)	
Defendant.	)	

This matter is before the court upon the notices of appeal filed by the defendant and his counsel (filings 111 & 114). The notice of appeal filed by defense counsel (filing 114) states that while counsel was retained for proceedings in this court, the defendant's financial status warrants appointment of counsel on appeal. However, the defendant has not filed a motion for leave to proceed on appeal in forma pauperis, nor has he submitted an affidavit showing in the detail prescribed by Form 4 of the Appendix of Forms the defendant's inability to pay or to give security for fees and costs, claiming an entitlement to redress, and stating the issues Defendant intends to present on appeal, as required by Fed. R. App. P. 24(a). Accordingly,

IT IS ORDERED:

1. The processing of Defendant's notices of appeal (filings 111 & 114) shall be delayed pending Defendant's submission<sup>1</sup> of the above-described motion and affidavit;

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<sup>1</sup>Defendant's retained trial counsel should mail to Defendant the financial affidavit labeled as Form 4 in the Federal Rules of Appellate Procedure Appendix of Forms with directions to Defendant to complete the affidavit and return it for filing with the court.

2. When Defendant files the above-described affidavit, the Clerk of the United States District Court for the District of Nebraska shall immediately direct such affidavit to the chambers of the undersigned United States district judge.

May 15, 2007.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge